

FILED

UNITED STATES DISTRICT COURT

for the

Western District of New York



MAR 25 2008

United States of America

v.

ALFRED MARTIN

Date of Previous Judgment: June 16, 2003
(Use Date of Last Amended Judgment if Applicable)

CLERK, US DISTRICT COURT, WDNY

Case No: 01-CR-6027

USM No: _____

M. Kirk Okay, Esq.

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons x the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 70 months is reduced to 57 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>33</u>	Amended Offense Level: <u>31</u>
Criminal History Category: <u>II</u>	Criminal History Category: <u>II</u>
Previous Guideline Range: <u>151</u> to <u>188</u> months	Amended Guideline Range: <u>121</u> to <u>151</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): The Court previously granted a 7 level downward departure on a sentencing guideline of 151 to 188 months resulting in a sentencing guideline range of 70 to 87 months and sentenced defendant to 70 months. A comparable downward departure of 7 levels from a amended sentencing guideline range of 121 to 151 months to a sentencing guideline range of 57 to 71 months resulting in a sentence of 57 months.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 6/16/03 shall remain in effect.

IT IS SO ORDERED.Order Date: March 24, 2008

Charles J. Siragusa

Judge's signature

Effective Date: March 24, 2008
(if different from order date)

CHARLES J. SIRAGUSA, U.S. DISTRICT JUDGE
Printed name and title